

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSEVIER INC., ELSEVIER B.V., ELSEVIER
LTD.

Plaintiffs,

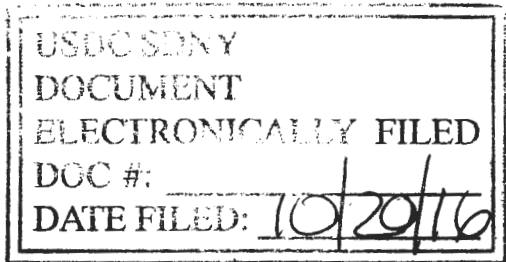
v.

WWW.SCI-HUB.ORG, THE LIBRARY
GENESIS PROJECT d/b/a LIBGEN.ORG,
ALEXANDRA ELBAKYAN, JOHN DOES 1-99,

Defendants.

Index No. 15-cv-4282 (RWS)

**[PROPOSED] ORDER
AUTHORIZING EXPEDITED
DISCOVERY**



Plaintiffs Elsevier Inc., Elsevier B.V., and Elsevier Ltd. (collectively "Elsevier") have filed a complaint for injunctive and other relief pursuant to: (1) copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*) and (2) violations of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 based upon Defendants' unlawful access to, use, reproduction, and distribution of Elsevier's copyrighted works. Elsevier has also requested leave to take expedited discovery in advance of a Rule 26(f) conference.

The Court, having considered Plaintiff Elsevier Inc., Elsevier B.V., and Elsevier Ltd.'s ("Elsevier") Application for Leave to Take Expedited Discovery, together with all the papers submitted in connection therewith, hereby finds:

1. Elsevier has made a substantial evidentiary showing that Defendants, through the websites libgen.org and bookfi.org, have engaged in conduct which violates Elsevier's exclusive rights under 17 U.S.C. § 106.

2. The evidence set forth in Elsevier's Memorandum in Support of its Application, and the accompanying declarations and exhibits, demonstrate that Elsevier is unable to identify the operators of libgen.org or bookfi.org, or the true location of the computer servers upon which those websites are hosted, absent the ability to take discovery from CloudFlare.

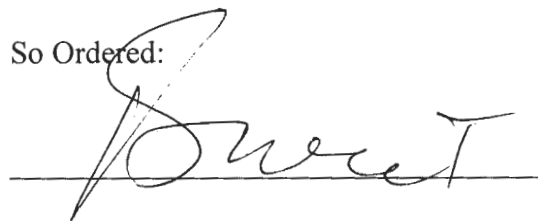
3. Elsevier's application for leave to take expedited discovery is narrowly tailored to obtain identifying information concerning the operators of libgen.org and bookfi.org.

4. There is good cause to believe that absent identifying information concerning the operators of libgen.org and bookfi.org, Elsevier will be unable to advance its claims against those operators.

IT IS THEREFORE ORDERED that Plaintiffs' Application for Leave to Take Expedited Discovery from CloudFlare, Inc. concerning the identities of the operators of the websites **libgen.org** and **bookfi.org** is **GRANTED**. Plaintiff may serve a third party subpoena on CloudFlare, Inc. requiring production of records relating to the identities of the operators of **libgen.org** and **bookfi.org**.

Dated: New York, New York
October 11, 2016

So Ordered:

A handwritten signature in black ink, appearing to read "Sweet", is written over a horizontal line.